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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,409	04/14/2006	Eiji Kitajima	WAKAB95.002APC	8808
20995 7590 10/30/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER HA, NGUYEN T	
			ART UNIT 2831	PAPER NUMBER
			NOTIFICATION DATE 10/30/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/595,409	<b>Applicant(s)</b> KITAJIMA ET AL.	
	<b>Examiner</b> NGUYEN T. HA	<b>Art Unit</b> 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 12-16, 27 and 28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11 and 17-25 is/are allowed.
- 6) ☒ Claim(s) 10 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0606 &amp; 1007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of claims 1-11 and 17-26 in the reply filed on 7/10/2008 is acknowledged.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwasaki et al. (2002043189).

Regarding claim 10, Iwasaki et al. disclose activated carbon for an electric double layer capacitor electrode, having an alkali metal content of less than 100 mass ppm (see abstract, (in the content of 10- 200 ppm, which is within the claimed range).

Regarding claim 26, Iwasaki et al. disclose an electric double layer capacitor having a pair of electrodes and an electrolytic solution, characterized in that at least one of the pair of the electrodes includes the activated carbon (see, abstract)

Claims 10 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Morimoto et al. (JP 401241811A).

Regarding claim 10, Morimoto et al. disclose activated carbon for an electric double layer capacitor electrode, having an alkali metal content of less than 100 mass ppm (see, abstract, “not greater than 200 ppm, which is within the claimed range”).

Regarding claim 26, Morimoto et al. disclose an electric double layer capacitor having a pair of electrodes and an electrolytic solution, characterized in that at least one of the pair of the electrodes includes the activated carbon (abstract).

***Allowable Subject Matter***

Claims 1-9, 11, and 17-25 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 1, 3-9, and 11, the prior art alone or in combination does not teach the limitation of a method for producing activated carbon for an electric double layer capacitor electrode characterized in that the method comprises the steps of: a deactivation and removal step of deactivating and removing alkali metal contained in the activated carbon; and a heat treatment step of heating the activated carbon passed through the deactivation and removal step to a temperature higher than 400.degree. C. and not higher than the heating temperature in the activation step, in an inert gas atmosphere.

With respect to claims 2, and 17-25, the prior art alone or in combination does not teach the limitation of a method for producing activated carbon for an electric double layer capacitor electrode characterized in that the method comprises the steps of : a deactivation and removal step of deactivating and removing alkali metal contained in the

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activated carbon; and a heat treatment step of heating the activated carbon passed through the deactivation and removal step to a temperature higher than 400.degree. C. and lower than 750.degree. C., in an inert gas atmosphere.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Citation Relevant of Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Hiratsuka et al. (US 6,402,792) disclose electric double layer capacitor.
- b. Tsushima et al. (US 6,072,693) disclose electric double layer capacitor.
- c. Shimodaira et al. (US 6,038,123) disclose electric double layer capacitor and carbon material and electrode therefor.
- d. Alford (US 5,926,361) discloses high power density double layer energy storage device.

#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGUYEN T. HA whose telephone number is (571)272-1974. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nguyen T Ha/  
Primary Examiner, Art Unit 2831